

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMY M. GRACI,

Plaintiff,

v.

ORDER
05-CV-231A

INDEPENDENT HEALTH ASSOCIATION, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On September 16, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that the motion to amend the complaint be denied as futile.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion to amend the complaint is denied as futile.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 12 , 2005